The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

This document contains handwritten text that may be partially illegible due to age, penmanship, or deterioration of the medium. LLMC has scanned the material in the same format and page order in which it is maintained in the source document taken from the collection "Records of the States of the United States of America, a microfilm compilation."

FREDERICK V HOLMAN,
501-6 CHAMBER OF COMMERCE BUILDING
PORTLAND, OREGON.
P.O. BOX 504 TEL. No 588

December 2, 1909

These copies of laws comprise laws of the Oregon Provisional Legislature, approved by Governor George Abernethy in August 1845 x I believe that none of these laws has been published. They are not included in the compilations of laws of Oregon of 1843-1849, published in 1853.

Frederick V. Holman.

OREGON
SESSION LAWS
1845 - June - Aug.

Index

	Pg.
Attorney Circuit	41
Animals marking and branding —	2
Act Revenue — —	42
Act Appropriation 1845 —	56
Appropriation Bill 1844 —	9
Bonds of Officers —	19
Courts of Oregon (legalizing)	18
Columbia transporting Company —	27
Courts to Establish —	47
" Supreme —	50
" Criminal	52
" District	53
" do special term	60
" Probate —	55
" Justices —	55
Dwelling — —	10
District Vancouver —	24
Estate Real and Personal	17
Ferries	1
Fees & Costs —	40
Forms &c —	61
Jurors —	33
Library Multnomah	35

Laws of 1844 —	46
Laws Organic (proposed Amendment —	46
Law. Organic. (Copies of)	41
Marshal ———	32.
Road to Sandusin River -	26
Road to Sauves Island	17
Recorder ——	10
Roads and Highways —	37
Suffrages of the People to obtain.	5
Slavery —	8
Secretary Territory	12.
Statutes of Iowa. adopted	16
Sheriffs ——	25
Salary of the Governor &c —— ———	31
Superintendant Indian Affairs	68
Treasurer ——	21
Wahone Milling Company —	38
Ways and Means	1
Ways and Means (amendatory	8

(1) An Act Amendatory of an Act of the Iowa Statutes entitled "An Act to regulate Ferries" passed 5th July 1845

Be it enacted by the House of Representatives of Oregon Territory as follows Section 1 — That it shall be lawful for the Judge of the Supreme Court to grant Ferry License at any time either in session or vacation.

Section 2 — That the second Section of an Act of the Iowa Statutes entitled "an act to Regulate Ferries" and the proviso to the third section of the said enactment, be and the same are hereby declared inapplicable to Oregon

Section 3 — This act to take effect & be in force from and after its passage

Approved Oregon City 15th Aug. 1845

(signed) Geo. Abernethy

Attest J. E. Long
Secretary

(2) An Act to repeal a part of a former Act entitled an Act to provide for ways & means passed 5th July 1845

Be it enacted by the House of Representatives of Oregon Territory as follows.

That the fourth section of an Act entitled an Act to provide for ways & means be and the same is hereby repealed.

This Act to take effect and be in force from and after its passage.

Attest — Approved Oregon City 15th Aug. 184

J. E. Long Secretary (sig'd) Geo. Abernethy.

2

(3) An Act Regulating the Marking & Branding of Animals. and to prescribe the manner of butchering wild Cattle —

Be it enacted by the House of Representatives of Oregon Territory as follows Section 1. That each owner of Cattle. horses mules or Asses. running and breeding at large shall provide himself with a good and sufficient branding iron. differing from the branding iron of any other person or company in his vicinity. a correct and full description of which he shall record in the office of the Recorder of this County. and all owners of Cattle. Sheep or Swine running and breeding at large. shall adopt and record in the Recorder's Office. an ear mark differing from the mark of any other person or Company in his vicinity provided however that no ear mark shall be practiced. or recorded by which more than one half of either ear is taken off.

Section 2. That Any person or Company owning herds of Cattle. horses. mules or asses. running and breeding at large. shall first show a day in the month of June, and a day in the month of September of each year on which he or they intend to mark or brand the increase of his or their Cattle. horses. mules. or asses ten days. public notice of the time & place of such marking. and branding. shall be previously given by advertisements. set

up in at least three of the most public places in the County in which said marking and branding is to be done, but all sheep or swine, or the increase of Cows, Kept up for dairy purposes, or of horses or asses Kept up for service may be marked or branded at any time the owner may see proper ——

Section 3, All Sales transfers or exchanges of cattle mules or asses running at large, by which it shall become necessary to mark or brand, public notice of the time and place of such marking or branding shall be given as is provided for in the preceding section.

Section 4th Be it further enacted— That where Cattle horses mules or asses herding together, belonging to different owners it shall not be lawful for any person to remove such herd or herds, out of their usual place of grazing, without first obtaining the Consent of the principal owner or owners thereof, and in case any owner wishes to withdraw or remove his cattle from said Common herd, he shall in no case remove said herd, farther than the bound of the principal owner thereof, nor shall he do so, without the Knowledge of said principal owner or owners.

Section 5th Be it further enacted that it shall be the duty of every person Slaughtering beef, out of a herd of cattle grazing and herding at large, to Keep

a Register in which he shall enter, the date on which each animal was killed. together with a concise description thereof and further that he shall flesh the skin whole and entire with the ears thereto. at least one month open to the inspection of any person whatever, or obtain the Certificate of any Justice of the Peace. that the cattle so slaughtered are his own Section 6 - That any person. either by accident or mistake killing an animal not his own, shall immediately if the rightful owner is known to him, notify him of the fact. and in case the owner is unknown. he shall call in two disinterested and respectable householders. who shall upon oath. proceed to justly value and accurately describe said animal three copies of said valuation & description, shall be set up in the most public places in the County. and one copy with the signatures of the appraisers affixed. shall be filed. and preserved in the office of the nearest Justice of the Peace of the County in which the casualty occurred; and the person so killing shall forfeit and pay to the rightful owner double the appraised value of said animal, to be recovered by action of debt.

Section 7 — The Circuit Court of Oregon shall give this act in charge to the Grand Jury at each Session of the Court. & offenders shall be proceeded against by indictment as in other cases of Crime and misdemeanor.

Section 8 - That all persons convicted of a violation of this act shall be fined a

sum. not less than ten. nor more than One Hundred dollars. at the discretion of the Court. with costs of suit ——
Section 9th. That all Acts. and parts of Acts now in force in Oregon. not in accordance with this Act. shall be. and the same are hereby. Repealed ——
Section 10. This act to take effect and be in force from and after the 1st. of September next ——

Approved Oregon City 15th Aug: 1845
(Signed) Geo: Abernethy.
Attest — J C. Long
Secretary.

(4) An Act to obtain the Suffrages of the People on the Organic Laws of Oregon.
Passed 5th July 1845.

Be it enacted by the House of Representatives of Oregon Territory. as follows.
Section 1st — That a true Copy of the Original Organic Laws of Oregon; without alteration or Amendment And a Copy of said Organic Laws. Revised And Amended. be submitted to the People of Oregon. at the several precincts herein mentioned for them to declare which shall in future. Govern this Territory
Section 2d — It shall be the duty of the Recorder. to transmit. together with the Poll Books to the several places of voting herein named previously. to the day of Election, a true Copy of the Organic Laws without. and a Copy of the Organic Laws with Amendment which before opening the Polls. shall be hea

and explained to the People — by one or more of the Judges of said Election —
Section 3. The qualified electors so instructed shall proceed to vote viva voce for the instrument to which they give a preference. and the instrument so voted for. receiving the highest number of votes. shall hereforth be the Supreme Law of the land.
Section 4 — That the following named persons. shall act as Judges of Election at the several places therein named. and in case of one or more of said Judges failing to act. the remaining Judge or Judges are hereby empowered to fill such vacancies, Robert Newell. John McCadden. & Mc Louisie to be Judges of Election at the Methodist Mission and J. Mc. Gannon, Baptiste Lee. W. H. Wilson to be Judges of Election at the Oregon Institute. in the County of Champoig Abijah Hendricks. Absalom Hembree and Wm. Newby. to be Judges of Election at the House of Absolom Hembree. and Jesse Applegate, Nathaniel Ford. and Daniel Mc Henry to be Judges of Election at the House of George Gray in the County of Clam Hill —
W. H. Gray Abram Wright. Philip Foster to be Judges of Election at Oregon City and — to be Judges of Election at Fort Vancouver. in the County of Clackamas. and Hugh Burns. James Athey. and Felix Hathaway to be Judges of Election at Multnomah City and David Hill. J. M. Gilmore, & M. M. McLaughlin to be Judges of Election at the Methodist meeting house in Tualaty County. and R. Shortess. John McClure & Calvin Gibbetts. to be

Judges of Election in the County of Clatsop and the above named Judges. shall be governed in their duties and in all respects Amenable. to the Law regulating Elections

Section 5—— The Election therein provided for. shall be held in the several precincts above named. on the last Saturday in July next. And the Judges, Clerk. and other officers of Oregon. shall be governed by the Laws regulating Elections in all respects not therein otherwise provided for as in Case of General Elections—

Section 6— The Recorder is hereby authorized to Contract for and obtain the printing of 300 Hundred Copies. of the Original. and Amended organic Laws of Oregon provided the same. may be ready for distribution. within ten days. from the passage of this act. And the said Recorder shall. distribute the said printed Copies to the Judges of Election in the several Counties according to their population—

Section 7—— It shall be the duty of the Executive. immediately upon the receipt of the returns of said Election to issue a proclamation. declaring the result of said Election

This Act to take effect and be in force. from and after its passage——

Approved Oregon City 15th Aug. 1854

Signed Geo. Abernethy

Attest J. E. Long

Secretary

An Act to repeal an Act entitled "an Act in regard to Slavery and free Negroes and Mulattoes passed 26th June 1844. and to repeal an Act Amendatory of an Act passed 26th June 1844 in regard to Slavery and other purposes. passed 19th December 1844. passed 3rd July 1845-

Be it enacted by the House of Representatives of Oregon Territory as follows:— [illegible]

Sect 1 —— That the Act entitled an Act in regard to Slavery and free Negroes and Mulattoes passed 26th June 1844 be and the same is hereby repealed-

Sect 2 — That the Act amendatory of an Act passed 26th June 1844. in regard to Slavery and other purposes passed 19th December 1844 be and the same is hereby repealed-

Sect 3 —— This Act to take effect from and after its passage.

Approved Oregon City 15th Aug. 1845

Attest J. E. Long
Secretary

An Act amendatory of an Act entitled an Act for Ways and Means.

Be it enacted by the House of Representatives of Oregon Territory as follows —

Sect 1 —— That all Certificates issued by the Recorder or any Officer of this Government according to Law be received and are hereby declared to be a lawful tender for all dues to the Government ——

Sect 2 —— The Laws of Iowa. regulating the dividing of all such Scrip, are hereby declared to be the Law of this land.

Sect 3 —— All Acts or parts of Acts heretofore passed. conflicting with this act are hereby repealed

Sect 4 —— This Act to take effect from and after its passage——

Approved Oregon City 18th Aug. '45

Signed: G. Abernethy

Attest J. E. Long
Secretary

---

(9)

Appropriation Bill

Be it enacted by The House of Representatives of Oregon Territory, as follows ——

Sect 1 —— That the following sums be and they are hereby appropriated, out of any moneys in the Treasury for the purposes herein specified—to wit:

Sect 2 —— To pay the Executive Committee for the last year— Three hundred dollars $300.00

Sect 3 —— To pay the Circuit Judge. One hundred dollars —— —— —— $100.00

Sect 4 —— To pay the District Attorney Sixty two dollars. and Fifty Cents $62.50

Sect 5 —— To pay the Sheriff two Hundred and five dollars. and Eighty Eight Cts. 20 5-8ths

Sect 6 —— To pay the Secretary. One Hundred and Eleven dollars & thirty ~~one~~ Cents— $111.32

Sect 7 —— To pay expenses on Election returns from Clatsop. Seventeen dollars & fifty Cts $17.50

Sect 8 —— To pay expense of Court at Champoeg for house rent. Sixteen dollars— $16.00

Sect 9 —— For Stationary Fifty dollars $50.00

Sect 10 —— For the pay of the Contingent expenses of the House during the sitting of the Legislature the sum of Seventy five Dollars. $75.00

Approved Oregon City 15th Aug. 1845
Signed Geo. Abernethy
Attest J. E. Long
Secretary

An Act to adopt the Law of Iowa Territory in regards to Dwelling

Be it enacted by the House of Representatives of Oregon Territory that the Laws of Iowa Territory Concerning Dwellings and the Manner it herein adopted, as the Law of this Territory All Laws Act to take effect and be in force from and after its passage —

Approved Oregon City 14th Aug. 1845
Signed Geo. Abernethy
Attest J. E. Long
Secretary

An Act Establishing a Recorders Office

(9)

Be it enacted by the House of Representatives of the Territory of Oregon as follows.

Sect 1 —— There shall be established an office to be styled the Recorders Office in which all land Claims, Deeds, bonds, mortgages, or other instruments of writing, relating to Lands, shall be recorded in a fair & legible

manner according to Law

Sect 2nd — The Secretary of the Territory shall be ex-officio Recorder - until otherwise directed by Law, and shall take oath & give bond for the faithful performance of his duties, and suffer like penalties as Recorder as is required of and imposed upon him as Secretary

Sect 3rd — He shall record all certificates of Marriages, file and preserve all plats of Towns and Cities, and all plats and field notes of private claims

Sect 4 — It shall be the duty of the Recorder to give each person a Certificate of the Record of his claim, which Certificate shall be endorsed upon the description of the boundaries of the tract of land presented for record, and in case the person applying for such Certificate of record shall present duplicate plats, and field notes of a survey of his claim, the filing of one of said plats, and field notes, shall be deemed a sufficient record, and the Certificate of the Recorder shall be endorsed upon the other retained by the claimant

Sect 5 — It shall be the duty of the Recorder to require each applicant for the record of a Land Claim, to state whether the same is a partnership claim, and if so he shall enter the names of the partners at length in the record and the Certificate, endorsed upon the description of the boundaries of said claim, and he shall further be required to state whether he intends to hold the said claim

with or without occupancy. which fact shall be stated in the record of certificate and the Recorder shall furnish the Collector of Taxes a list of the names of all persons holding claims without occupancy ———

Sect 6 ——— The Recorder shall have fees for his services as follows. to be paid by the persons applying therefor.

For recording each land claim and the additional sum of 12½ Cents for every 100 words over 200 ——— ——— .50 cts

For each Certificate ——— .50 "

" recording each Certificate of Marriage 1.00 "

" All other writing for every 100 words .12½ "

Sect 7 ——— This Act to take effect and be in force from and after its passage —

Approved 16th Aug. 1851 Oregon City

Signed. Geo Abernethy

Attest. J. E. Long

Secretary

An Act defining the duties of the Secretary of the Territory.

Be it enacted by the House of Representatives of the Territory of Oregon as follows

Sect 1 ——— The Secretary of this Territory shall be elected by the House of Representatives. & Commissioned by the Governor. and continue in Office for two years. and until his successor is duly elected and qualified. and before entering upon the discharge of his duties. shall take the oath prescribed in the Articles of compact. which shall be endorsed upon the back of his Commission

and shall enter into bond with good and sufficient securities to the Territory. Conditioned for the faithful performance of his duties and in a penalty to be fixed from time to time by the House of Representatives: a vacancy in the office shall be filled in the same manner as a vacancy in the Judiciary. the temporary Secretary being sworn and bounds as the permanent officer

Sect 2nd With the advice of the Governor he shall procure a Seal for the Territory. with such emblem device and motto as the Governor shall direct. and until such Seal is provided. he may use his private Seal.—

Sect 3— He shall Keep his office at the Seat of Government. so soon as a suitable House is provided. and shall have the safe Keeping of the Seal of the Territory and of all public Records. Rolls. documents acts. Resolutions. and orders of the House of Representatives. — He shall Keep a Register of all Commissions issued. and the official acts of the Governor. and when necessary attest the same. He shall also Keep a book in which he shall record the official Correspondence of the Governor.—

Sect 4 — He shall make report and give information to the Governor. or the House of Representatives. respecting all matters referred to him by either. and the Governor Judge of the Supreme Court. or any member of the House of Representatives. shall have free access to his office for the

examination of the Books. papers. records or documents therein contained. but no original paper shall be removed from his office. except upon the official application of the Governor. Judge of the Supreme Court. or upon a Resolution of the House of Representatives.

Sect 5th. He shall affix the seals of the Territory. and Countersign. all Commissions both Civil and Military. and other official acts of the Governor. Messages to the House of Representatives. and Journal of the Laws enacted. and he shall Keep an abstract of all Commissions issued with their date & terms of service and to whom issued. & Also of any offices becomes Vacant. he shall enter the cause of such vacancy. and refer to the Journal Voucher for the fact. and he shall also note the time. and how such vacancy was filled.

Sect 6th — He shall at the close of each Session of the House of Representatives. make out and furnish to the Treasurer. a list of all appropriations made at that Session). also he shall at the end of the present Session of the House of Representatives. make out and furnish to the Treasurer. a list of all the officers of the Territory entitled to Salaries or perquisites out of the Treasury. the date of their several Commissions. the times when to be paid, and out of what particular fund or appropriation. and in case of vacancy in any offices to which

a salary is by Law attached he shall forthwith notify the Treasurer of the fact with the time such vacancy occurred and when filled.

Sect 7th —— He shall also furnish a list of all other expences of the Government, and how and when to be paid and out of what fund or appropriation and such lists shall be a sufficient authority for the Treasurer to pay to the order of such officers their salaries requisites or other demands upon the Treasury wherever due.

Sect 8th —— The Secretary shall furnish to any person, certified Copies with the official seal of his office affixed, of any papers or documents in his office provided his legal fees are tendered.

Sect 9 —— The Secretary of the Territory shall have fees for his services as follows

For issuing each Commission .50 Cts
" each Certificate with the seal of the Territory .25
" Copies of any documents or papers in his office for every 100 words .12½
" All official writing fees " " .12½
to be paid by the applicant.

Sect 10 —— The Secretary failing to perform any of the duties enjoined upon him by this act, shall be deemed guilty of a misdemeanor, and upon Conviction thereof, be fined not less than Ten dollars, nor more than One Thousand dollars, at the discretion of the Court and he shall be further liable for

all damages done to individuals or to the public. to be recovered by action of debt upon this official Bond —

Approved Oregon City 15th Augst 1845
(Signed) Geo Abernethy

Attest J. E. Long
Secretary

An Act adopting the Statute Laws of the Territory of Iowa. and the Common Law passed 12th Augst 1845 —

Be it enacted by the House of Representatives of the Territory of Oregon as follows

Section 1st — That the Statute Laws of the Territory of Iowa, enacted at the first session of the Legislative Assembly of said Territory, be and the same are hereby adopted as the Laws of Oregon, so far as they are applicable to the Condition of this Country, and in all cases not otherwise provided for by the acts of the People or the House of Representatives of this Territory —

Section 2nd — That the Common Law of England shall in all cases govern where no Statute Law has been made or adopted) —

This Act to take effect from and after its passage —

Approved Oregon City 15 of 1845
(Signed) Geo Abernethy

Attest, J. E. Long
Secretary

(12) An Act Amendatory of an Act of the Statutes of Iowa Territory entitled An Act subjecting real and personal Estate to execution

Be it enacted by the House of Representatives of Oregon Territory as follows ——

Sec. 1 — That the term "Real Estate" as used in the Statute Laws of the Territory of Iowa, in an Act entitled, An Act subjecting Real and personal estate to Execution" shall only apply to Town or City property or to Improvements claimed, and owned in virtue of occupancy, secured and allowed by the treaty between the United States and Great Britain, but no claim or improvement upon a Claim, held according to the Laws of this Territory, shall be subject to execution.

Section 2nd. No stay upon execution shall be permitted, or allowed, except by the Consent of the party in whose favor the execution shall been issued, nor for any time other than the time agreed upon by the parties.

This Act to take effect and be in force from and after its passage —

Approved Oregon City 19th August (Signed) Geo Abernethy

Attest. J. C. Ewing
Secretary

---

(13) An Act to locate a Road from Tualaty Plains to Sauvies Island —

Passed 18th August 1845

Be it enacted by the House of Repr

Representatives of Oregon Territory as follows
Section 1 —— That Charles McKay, Robert
Poe. and John Flett. be and they are hereby
appointed Commissioners to lay out and
establish a Territorial road to start from
some point on the Tualaty Plains, and on
the road leading to Smith & Ferry on Yam
Hill River, to be settled on by said Com-
missioners. and terminate at Fawns Island
Section 2 —— Said Commissioners shall meet
at the house of Charles McKay, on the first
Monday in September 1845, and shall
proceed to lay out, and mark said road
and report the same to David Flett. who
is hereby appointed overseer, of said road
and whose duty it shall be. to call out the
hands, that may be found in his district,
by giving them three days notice, and
shall proceed to clear out and open the
same thirty feet wide
Section 3rd. This act to take effect and
be in force from and after its passage
Approved 19th Aug. 1845—
(Signed) Geo. Abernethy
Attest J. E. Long
Secretary

An Act legalizing the Acts of the Courts
of Oregon and for other purposes ——
Passed 15th Aug. 1845 —
Be it enacted by the House of Repre-
sentatives of Oregon Territory as follows
Section 1 —— That the Official acts of the
Courts of Oregon. so far as they are in ac-
cordance with either the original or amended

Organic Laws of Oregon. are hereby declared valid and legal —

Section 2 —— It shall be the duty of the Officers of the said Courts. to deliver to the Secretary of the Territory, the Docket and all other papers, or records. belonging to said Courts and the Secretary shall give his Receipt therefor.

Section 3 —— It shall be the duty of the Secretary to forward to the proper District and Probate Courts. so soon as they are severally organized. a transcript of the Docket. together with the papers. belonging to the same of all unfinished business upon the Docket of said Court and the Courts shall proceed to final issue in such Cases in the same manner and to the same effect. as if the progress made in such Cases, had been made. in the District & Probate Courts.

This Act to take effect and be in force. from and after its passage ——

Oregon City 20th Aug: 1850

Approved

(Signed) Geo. Abernethy

Attest J. E. Long
Secretary

---

(15) An Act Concerning the bonds of Officers

passed 15th Aug: 1850 —

Be it enacted by the House of Representatives. of Oregon Territory as follows

That the bonds of Territorials Officers. shall be approved by the Governor and the bonds of Clerks. Sheriffs. Coroners

or other Officers belonging to a Court shall be approved by the President of the Court. to which they respectively belong

This Act to take effect and be in force from and after its passage —

Oregon City 19th Aug. 1845

Approved

Geo. Abernethy

Attest J. C. Long
Secretary

An Act defining the duties of Treasurer.

Be it enacted by the House of Representatives of Oregon Territory as follows —

Section 1 —— There shall be a Treasurer elected by the House of Representatives, commissioned by the Governor, and continue in office for two years. and until his successor is duly elected and qualified. and before entering upon the discharge of his duties, shall take the oath prescribed by the Articles of Compact. which shall be endorsed upon his Commission. & shall enter into bonds. to be approved by the Governor. with two or more goods and sufficient securities to the Territory. conditioned for the faithful performance of his duties, and in a penal sum of not more less than five nor more than Twenty five Thousand dollars, a vacancy in the office of Treasurer. shall be filled in the same manner as a vacancy in the Judiciary the temporary Treasurer being sworn & bound as the permanent Officer —

Section 2 —— The Treasurer shall receive

all moneys paid into the Treasury and receipt for the same. he shall procure and keep suitable books. in which he shall enter an accounts of all his receipts and dis= =bursments, and shall in no case pay money out of the Treasury, but according to Law and shall annually report to the House of Representatives, a true Account of all his receipts and disbursements. with necessary vouchers for the same., and shall deliver to his successor in office. all books. money Accounts. or other papers. belonging to the Territory. so soon as his successor shall become duly qualified

Section 3.rd — The Treasurer shall receive as a full Compensation for his services the Sum of two per Cent upon all mo= =neys in the Treasury. upon his Coming into. and going out of Office. and two per Cent upon all moneys. or Scrips. by him paid out or issued. and five per Cent. upon all moneys. by him received while in office —

Section 4th — The Treasurer shall be ex-officio Auditor of this Territory. and shall in that Capacity. when there is no funds in the Treasury. to satisfy a lawful demand against the Territory issue in the name of the person. to whom the money is due, his certificate or scrip, for the amount so due and unpaid, which certificate shall bear interest from its date, at the rate of six per cent per annum. until paid.

Section 5th — It shall be the duty of

the Treasurer, to pay on demand all moneys due on Certificate or Scrip, if there be any money in the Treasury appropriated for that purpose, and to receive and receipt for all moneys tendered him for taxes, licenses, fines, forfeitures, or other moneys due and payable to the Territory, and such receipts, for fines, forfeitures, or other moneys, exhibited, to the Marshal Sheriff, or other officer, charged with the collection of the same, shall be sufficient evidence of the payment thereof, and no per Centum for collection, shall be charged by such officer, and the Treasurer is hereby authorised and empowered, to procure the printing of as many blanks forms, as may be necessary for the office of Secretary, and Treasurer of this Territory.

Section 6th. It shall be the duty of the Treasurer, to transcribe, and forward to the several Sheriffs of the different districts, a transcript from the tax list of all taxes due and unpaid, on the first day of October of each year, within their several districts, and the Sheriff shall proceed to collect the same with Twenty per Cent thereon, as debts due on execution, and shall have like fees for the same, and the Sheriffs are hereby required, to make returns to the Treasurer of all moneys so collected, on or before the second Monday of December of each year. For all acting required to be done by this section, the Treasurer shall receive

Twelve and a half cents per hundreds word.
This act to take effect, and be in force. from and after its passage —
Oregon City 20th Aug 1845 —
(signed) Geo Abernethy.
Attest J. E. Long
Secretary

An Act to Organize the District of Vancouver. Passed 18th Aug: 1845 —

Be it enacted by the House of Representatives of Oregon Territory as follows
That all that portion of the Territory of Oregon. lying north of the middle of the main Channel, of the Columbia River. shall be and the same is hereby declared a seperate District. under the name and style of Vancouver District. and the said District. shall be entitled to elect One member. to the House of Representatives. at the next annual Election
This act to take effect and be in force from and after its passage —
Oregon City 20th Aug: 1845
Approved
(Signed) Geo. Abernethy
Attest J. E. Long
Secretary.

An Act providing for the Election & defining the duties of Sheriffs —— passed 18th Aug 1845 ——

Be it enacted by the House of Representatives of Oregon Territory as follows ——

Section 1 —— There shall hereafter be in each of the organized Districts in this Territory, a Sheriff elected at the annual Elections by the qualified electors of each District, who shall be commissioned by the Governor and shall hold his office for the term of two years and until his successor in office is duly elected and qualified.

Section 2 —— That the first section of an Act to provide for the appointment and to define the duties of Sheriffs in Iowa Territory approved January 21st 1839 be, and the same is hereby declared inapplicable to Oregon Territory and the words "United States" as used in the second section of said Act, shall be read and understood Oregon Territory, and that wherever the word "County" occurs in said Act, district to be understood.

Section 3 —— The Sheriffs elected by the House of Representatives at the present session shall hold their offices until the next annual election and until their Successors are duly elected and qualified.

Section 4 —— The Sheriff after the year 1845 shall be ex-officio Assessor of the Revenue of his District, under such regulations, and for such compensation as may hereafter be provided by Law ——

This Act to take effect and be in force from and after its passage Approved 28th Aug 1845 Geo. Abernethy

An Act to lay out and establish a public road from Oregon City to the settlement on the Sandiam River ——

Be it enacted by the House of Representatives of Oregon Territory as follows

Section 1 —— That Harrison Wright of the District of Clackamus and William Howell and Joseph Holman of the District of Champoic &c and they are hereby authorised and Commissioned to view and mark out a public Road from Oregon City in the District of Clackamas on the nearest and most practicable Route to the Molalla settlement thence crossing the Pudding River to Holmans Prairie thence to the settlement on the Sandiam River in the District of Champoic ——

Section 2 —— The said Commissioners shall meet at Oregon City on the third Tuesday in September next and before entering upon the discharge of their duties as Commissioners shall take and subscribe before some one authorized to administer oaths, the following oath I do solemnly swear or affirm that I will faithfully and impartially discharge the duties of Commissioner to lay out and mark a public Road from Oregon City to Sandiam Settlement according to the Law authorizing said Road to the best of my abilities.

Section 3 —— The said Commissioners may adjourn from time to time and from place to place as may be necessary in the discharge of their duties and two of their number shall Constitute a Quorum to do business & in Case a Quorum should fail to meet at the time and place as required above it shall

other time and place. to which they may have adjourned, it shall be the duty of the President of the District Court of Chamokie District, upon application of any one of said Commissioners, to appoint a time and place of meeting and require their attendance by his official Order.

Section 4 — It shall be the duty of said Commissioners, upon the Completion of their Courts to report the same, to the District Courts of Chamokie, and Clackamas Districts and the Courts shall upon the receipt of such report proceed to have said Roads opened according to Law each in their own District respectively, and the said Courts shall audit the account and allow said Commissioners such Compensation for their services, as may be allowed by Law to be paid out of the District Treasury.

This Act to take effect and be in force from and after its passage.—

Oregon City 20th Aug 1845

Approved

Signed J Leo: Alvercathy —

Attest J. E. Long

Secretary

---

(5) An Act to incorporate the Columbia Transporting Company. Passed 19th Aug. '45

Be it enacted by the House of Representatives of Oregon Territory as follows.

Section 1 — That all such persons as shall become stockholders agreeably to the provisions of this act in the Corporation hereby created

shall be a body politic, and Corporate by the name and style of the Columbia Transporting Company; and by that name may have succession, may sue and be sued, Complain, and defend, in any Court of Law or Equity, may purchase, hold, and convey real, personal, or mixed estate, so far as the same may be required to secure the object of their incorporation, may make and use a Common Seal, and alter the same at pleasure; may make by-laws, Rules, and Regulations for the management of its property, the Regulation of its affairs and for the transport of its stock, not inconsistent with the Laws of this Territory, and may moreover appoint such subordinate agents Officers, and Servants, as the business of said Corporation may require, and allow them a suitable Compensation, prescribe their duties and require bonds for the faithful performance thereof, in such penal Sum, and with such Sureties, as they may choose, who shall hold their offices during the pleasure of a majority of the directors of said Corporation.

Section 2nd. The Capital Stock of said Corporation, shall be equal to the amount necessary to Complete the Rail Road Contemplated to be Constructed by this Act, together with all necessary depots, toll houses, Cars, Locomotives, and other buildings or machinery, necessary to put in successful operation, the mode of Conveyance proposed to be established, and such other expenses, for the services of Officers, and Contingencies, as may be necessary, and no more, and the same shall be Subscribed in Shares, of ten dollars each

Section 3rd— That George Abernethy. Francis Enmatinger. F. W Pettigrove. and John. Couch. are hereby authorised & appointed Commissioners. and to receive subscriptions to the Capital Stock of said Corporation & the said Commissioners. are hereby required to notify the public of their appointment and of the terms upon which they will receive subscriptions of Capital Stock. such notice shall be given as soon as they are prepared to open the books, for subscription of Stock. and so soon as Five thousand dollars are subscribed, the said Commissioners shall notify Robert Newell, or J. L. Smith of the fact. and the said Robert Newell. or J. L. Meservitt. are hereby authorised. and directed, to call a first meeting of the Stockholders. of the said Company. by giving notice, by advertisements. posted up in at least four of the most public places. in this Territory, at least Twenty days before the day appointed for the meeting.

Section 4th. The Stockholders. shall upon their first meeting. elect a President. a board of Directors and such other officers as they may deem necessary, and said President and board of Directors shall have power to transact all business of the Company: and to pass all by-laws as may be deemed necessary: at all meetings of the stockholders each share shall entitle the holder to a vote. and any stockholder may give his vote by proxy. when not personally present.

Section 5th— Said Company. within three years shall Commence and Complete.

around the Falls of the Willamette River, a safe and easy passage, either by Rail Road or Turnpike, and shall report to the House of Representatives, so soon as the same is Completed, or ready to be used to advantage, the description of Road Constructed, and a full and accurate account of the actual Cost of the same, and the House of Representatives shall establish the rate of Toll to be collected by said Company——

Section 6—— It shall be the duty of said Company to report annually to the House of Representatives, the Condition of the affairs of the Company, with an accurate accounts of the Receipts, and expenditures, of the Company which account shall be rendered under the oath of the accounting officers, and upon such account the Legislature may alter the rate of Tolls collected in such manner and to such an amount as they may deem just and proper.

Section 7—— The President and directors of said Company shall annually declare a dividend of the profits accruing to said Company from the collection of Tolls on said Road; provided no dividend on any one year, shall exceed two dollars to each Share, and all moneys collected by the Company on any one year, over & above the necessary expences of the Company, and Twenty per cent on the Capital Stock, shall be paid into the Treasury of the Territory

Section 8.—— Nothing in this act, shall be so Construed, as to prevent the House-

of Representatives. from, at any time. hereafter. altering or amending this act, or using their Capital in any manner, other than to the purpose therein Contemplated, or to prevent this Government, or the Government of the "United States". from becoming the owners of the property of the Company. by the payment of the first Cost of the same with lawful interest. or to prevent the House of Representatives. from declaring their Charter forfeited. upon a failure on their part. to Complete the work in the time therein specified. or for any other flagrant violation of the provisions of this act.

This Act to take effect and be in force from and after its passage.

Oregon City. 20th Aug: 55

Approved.

Signed, Geo. Abernethy

Attest J. C. Long

Secretary.

An Act fixing the salary of the Governor and the per diem pay of Members of the House of Representatives. passed 19th. Aug 1845.

Be it enacted by the House of Representatives of Oregon Territory. as follows —

Section 1 —— The Governor of this Territory shall receive in Quarterly payments the sum of Three Hundred Dollars annually. as a full Compensation for his services —

Section 2 —— The Members of the House of Representatives. shall receive the sum of

two dollars a day. For every day they are in attendance on the House. and ten cents per mile for every mile, they necessarily travel in going to, and returning from the place of meeting.

This Act. to be in force - and take effect. from and after its passage

Oregon City Aug^st 20th 1845

Approved

(Signed) Geo. Abernethy

Attest J. E. Long
Secretary

---

(20) An Act. to provide for the Election, and - to define the duties of a Marshal of Oregon Territory

Be it enacted by the House of Representatives of Oregon Territory as follows

Section 1 The Marshal of this Territory shall be elected by the House of Representatives, and Commissioned by the Governor and shall Continue in office for two Years. and until his successor is duly elected and Qualified, and before entering upon the duties of his office shall take the oath. as prescribed in the articles of Compact. which shall be endorsed upon the back of his Commission. and shall enter into bond with good and sufficient securities, to the Territory. Conditioned for the faithful performance of his duties. and in a penalty not less than five thousand dollars. a vacancy in the office shall be filled in the same manner as a vacancy in

the Judiciary — the temporary Marshal being bound as the permanent officer provided that at the expiration of the term of service of such Marshals said Officer shall be elected by the qualified Votes of Oregon Territory.—

Section 2 — It shall be the duty of the Marshal to execute all orders process and decrees of the Supreme and Criminal Courts and shall attend upon the sittings of said Courts and in Cases not otherwise directed by this act receive like fees for his services and be governed in his duties as is prescribed in the Statutes of the Territory of Iowa. pro tem Act entitled an Act for the appointment and duties of Sheriffs

This Act to take effect and be in force from and after its passage —

Oregon City 20th Aug. 1845

Approved

Geo. Abernethy

Attest J. L. Long
Secretary

An Act Amendatory of an act of the Statutes of Iowa Territory. "entitled an Act Concerning Grand and Petit Jurors —

Be it enacted by the House of Representatives of Oregon Territory, as follows

Section 1 — That the number necessary to be Summoned for a Grand Jury shall be Twelve and that any ten of them shall Concur in an indictment —

Section 2 — It shall be the duty of the Clerk of the District Court to give to each person

serving as a Grand Juror a certificate of attendance on the Court. and such certificate shall exempt the holder from as many days of service on roads or other public duties as he may have been in attendance on the District Court. and Grand Jurors shall receive no further compensation—

Section 3. —— Petit Jurors shall be entitled to one dollar for each verdict rendered.

Section 4 —— It shall be the duty of the Sheriff when a Petit Jury is required to proceed to summon the proper number of Jurors from the by-standers. or in case a Jury Competent to try the Case. cannot be selected from the by-standers. he shall proceed to summon said Jury. from the residue. and each Petit Juror shall receive in addition to his fee. upon each verdict. ten cents a mile for every mile he has necessarily to travel. in obeying the summons of the Sheriff. but no Juror summoned upon the Ground shall be entitled to mileage. Therefore the 7th Section of the Act entitled "an Act Concerning Grand and Petit Jurors of the Statute Laws of the Territory of Iowa is hereby declared inapplicable to Oregon.

This Act to take effect and be in force. from and after its passage

Oregon City 15th Aug! 1844.

Approved

Geo. Abernethy

Attest J. E. Long
Secretary

1

(22) An act to incorporate the Multnomah Circulating Library ——

Be it enacted by the House of Representatives of Oregon Territory as follows ——

Section 1 —— That David Leslie, Elijah White, James A Ancil, W. H. Gray, Isaac Abernethy, and the present subscribers and proprietors of the Multnomah Circulating Library, with others, who may hereafter become subscribers to the same, be and they are hereby incorporated, a body politic, and Corporate, with power to sue and be sued, plead and be impleaded in the name and style of the Trustees of said Library, and that name to have and hold perpetual succession, and a Common seal. —

Provided that this act shall not be so Construed as to authorise the Corporation hereby Chartered, to increase their Capital in real or personal property, beyond the sum of Twenty thousand dollars; or to exercise any powers other than such as is necessary to the procuring of books, papers, pamphlets or publications of any kind, and the safe keeping and proper use of the same. ——

Section 2 — A majority of the subscribers present at the next Annual meeting shall elect five of their number to the office of Trustees, One Secretary, One Treasurer, One Librarian, with such other officers, as they may deem expedient, who shall hold their offices not less than one nor more than two years.

Section 3. The Trustees and their Successors

en Office, shall have power to hold and possess, in fee title, right, and title, or by lease all property real or personal, now held by subscription, and to receive and hold all property, that may hereafter be obtained by subscription or otherwise, for the use and benefit of said Corporation.—

Section 4. The said Trustees, and their successors in office shall have power to appoint all officers and agents, & to prescribe their powers and duties, to make, ordain and establish such by-laws, rules and regulations for the Conduct and Government thereof as they may deem expedient and Consistent with the Constitution of the same and the Laws of Oregon—

Section 5—— The said Trustees and their successors in office shall annually publish a full exhibit of the fiscal affairs of said Corporation, the number of volumes, number of subscribers, the names of the Trustees and officers, with all other matters, which they may deem of interest, or as may be called for by the Legislature from time to time.

Section 6—— Any future Legislature, may alter and Amend this act This Act to take effect from and after its passage——

Amended by Order.

Strike out the words "of the Trustees of said Library" in the first Section and insert the words. Multnomah Circulating Library

Oregon City 19th Aug. 1845

Approved.

Geo. Abernethy.

Attest J. E Long
Secretary

(23)

An Act to Amend an Act entitled an act on Roads and Highways passed 22nd June 1864. passed 19th August 1865

Be it enacted by the House of Representatives of Oregon Territory as follows —

Section 1 —— That wherever the term Circuit Court occurs in said act the same shall be read and understood District Courts and the word Clerk shall mean the Clerk of the District Courts.

Section 2. That the fourth section of the first article be amended by striking out all from the word "duty" to the word "his" and insert the word "during"; strike out also the word "respite" at the end of the section.

Section 3 —— That the 16th section be stricken out, and the following inserted instead thereof — to wit. All persons capable of holding a land Claim according to the Laws of Oregon shall be subject to work on public Roads in the District in which they reside, two days in each, and every year, and shall be further subject to an advalorem road tax to be levied by the district Court provided it shall be the privilege of all persons upon whom such tax shall have been levied, to discharge the same by labour on roads at a per diem allowance to be determined by the Court. ——

Section 4. Strike out the 16th section and insert. The District Courts shall perform the duties of allotting Justices. —

Section 5 —— That all expenses heretofore paid for the viewing out and opening Roads

out of the Territorial Treasury, shall hereaf-
-ter, be paid out of the County, or District
Treasury.

This Act to take effect and be in
force from and after its passage ——

Oregon City 23rd Aug 1845

Approved

George Abernethy

(Signed)

Attest J. E. Long
Secretary

---

(24)

An Act to incorporate the Wahoni Mill-
-ing Company.

Be it enacted by the
House of Representatives of Oregon Territory
as follows.

Section 1 —— That William T. Perry. Thomas Owens
Edward Williams. Eldridge Trask and Calvin
Tibbets. and their associates be and the same
are hereby declared a body Corporate and
Politic. under the name of the Wahoni Mill-
-ing Company.

Section 2 —— That the said Company shall
have power in its Corporate Capacity. to sue.
and be sued, appear, prosecute and defend
to final Judgment and execution, in any
Courts or else where. to have a common seal
which they may alter at pleasure. to elect in such
a manner as they shall determine to be pro-
-per, all necessary officers, and to fix their
Compensation; and define their duties and
obligations, and to make by-laws & regulations
Consistent with the laws of Oregon for
their own Government, and for the due and
orderly conducting their affairs, and do the

management of their property, and the said William T. Perry is hereby empowered to call a first meeting of the stockholders at such time and place as he may think proper

Section 3—— That the said Company is hereby authorised and empowered to construct erect, establish, and keep in operation, all Mills or other Machinery they may think proper to build and erect all dams, excavate all Canals, and generally do are hereby authorised and empowered to create a sufficient water power to work their machinery: Provided however that nothing in this act shall be so Construed as to exempt or release the said Company from the insurance of any Sawthat would be building whom an individual in like Circumstances.

Section 4—— That any member or Members of said Company are hereby authorized to claim and hold according to Law, as much land as may be necessary to secure to the Company all their Mills, Mill-dams or other works they may erect.

This Act to take effect and be in force from and after its passage

Oregon City 2nd Aug 45-

Approved

Geo: Abernethy

(Signed)

Attest J. E. Long

Secretary

An Act Concerning Costs and Fees.
passed 19th Aug: 1845

Be it enacted by the House of Representatives of Oregon Territory as follows.

Section 1 —— That an Act. Contained in the Iowa Statutes entitled "an Act. Concerning Costs and Fees." shall apply to all cases in this Territory; not otherwise provided for in this act.

Section 2. The Sheriff. shall receive out of the County or District Treasury. the sum of three dollars. for summoning each grand Jury, and the sum of One dollar and fifty Cents. for summoning a Petit Jury before the District Courts, and seventy five Cents. for summoning a Jury before a Justice of the Peace, to be taxed as other Costs and no fee shall be paid out of the District Treasury. for Petit Juros —— and all costs of Sheriffs shall be paid out of the District Treasury. in cases where said Act provides that they shall be paid out of the Territorial Treasury.

Section 3. —— The fees of the Attorney shall be paid out of the Territorial Treasury. in all cases. where defendant is not convicted or no property is found of defendants. but in all other cases. his costs shall be collected as other Costs.

Section 4. —— The Secretary. Recorder and Treasurer. shall receive 12½ Cents for filing each paper or document in their offices to be paid as other fees. —— and for all other services. not otherwise directed by Law. the same fees as are allowed to Clerks of the Supreme Court.

This Act to take effect and be in force from and after its passage ——

Oregon City 23rd Aug/45

Approved

(Signed) Lee. Abernethy

Attest J. E. Long
Secretary

An Act Concerning the Fees of Circuit Attorney passed 20th August 1845—

Be it enacted by the House of Representatives of Oregon Tenitory as follows.

The Circuit Attorney shall in addition to his other fees allowed by Law be entitled to the sum of Ten dollars upon each Conviction had in Criminal cases to be collected as other Costs ——

This Act to take effect and be in force from and after its passage ——

Oregon City 23rd Aug. 45

Approved.

Lee. Abernethy.

Attest J. E. Long
Secretary

An Act Concerning Codes of the Criminal Law passed 20th August 1845—

Be it enacted by the House of Representatives of Oregon Tenitory as follows

Section 1—— That the several Judges of the late Election, held for the purpose of taking the vote of the People on the Organic Law be and they are hereby required to deliver

to the District Judges. of their respective Dis-
tricts. the Copies of said Organic Law. which
were forwarded to them on that occasion. per
order of this House —

Section 2—— The Clerk is hereby required to
forward to one of the District Judges. in
each District. a Copy of this Act. ——

This Act to take effect and
be in force from and after its passage.

Oregon City 23rd. Aug: 1845

Approved

(Signed) Geo. Abernethy

Attest. J. E Long
Secretary

---

(6) An Act for assessing and Collecting the
Revenue. Passed 20th August 1845 ——

Be it enacted by the House of Repre-
sentatives of Oregon Territory. as follows ——

Section 1—— That an Act of the Iowa Statutes
entitled an Act for assessing and collecting
the Territorial Revenue of Oregon, as well as the
District Revenue. except in cases otherwise direc-
ted in this Act or in Acts defining the duties
of the officers. in this Territory. or in act. en-
titled An act to regulate the Currency —

Section 2—— There shall be an advalorem
tax of one fourth of one per centum for
Territorial purposes, and such rate as the
District Courts of the respective districts shall
decree for District purposes. upon the foll-
owing property. and no other! to wit. All
improvements. made subject to execution; Carri-
ages of every description. Clocks. Watches.
Horses. Mules. Cattle, Sheep and Hogs. ——

Section 3. The Territorial tax upon which a District tax shall be levied as provided in the preceding section, shall be upon the following named objects as follows ——

Upon every qualified voter under sixty years of age — a poll tax of —— .50 Cents

Upon each merchants license where the Capital employed is under Ten thousand dollars $20.00

Where the Capital employed is over Ten thousand dollars 30.00

" " " " " " Fifteen " " $ 45.00

" " " " " " Twenty " " $ 60.00

Upon each Auctioneers license the sum of $ 10.00

" " Peddlers license " " " $ 10.00

" " Ferry license not less than $5.00

nor more than $ 25.00

at the discretion of the District Court

Section 4 —— Upon the following objects a Territorial tax only shall be levied to wit

Upon each license granted to any Vessel to retail Merchandise Twenty Five doll. $25.00

Section 5 — Upon the following objects a District tax only shall be levied — to wit

Upon each license of an attorney or Counsellor at Law authorized to practise in the District Court or Justices Court within the District —— $ 10.00

For the Services of the District Court

For hearing and deciding upon each Petition of a public nature to be paid by the petitioners —— $1.00

In the following Cases the following tax shall be levied and paid as other Costs ——

For hearing and determining each motion of Counsel in cases both Civil and Criminal One dollar. For each final Judgment —— $ 3.00

For allowing an appeal ——— $1.00
And the fees allowed masters in Chancery when like services are performed by the Courts And a District tax shall be levied by the District Court in like manner as the Territorial tax for District purposes but shall not exceed that of the Territorial tax ——
Section 6. —— All persons hereby Required to pay a tax for a license shall be subject to the Penalties imposed upon Merchants in the Statute Laws of the Territory of Iowa —— Provided however that nothing shall be so Construed in this Act as to require the Clerk or Prosecuting Attorney of this Territory to pay a tax for license to practise Law in any County in this Territory or to prevent or prohibit any person from appearing and pleading in his own cause ——
Section 7 —— The Assessor shall deliver a full and Complete Assessment roll together with the gross or total number of the inhabitants of his District (excluding Indians) to the Clerk of the District Courts so soon as the same shall be completed, and said roll and Census shall in all cases be filed before the Spring term of the District Court; which shall be held as a Court of Appeals from the Assessors Books. and said Court of Appeals Shall be held free of tax or Costs. and at said Spring term the District Courts shall fix the District tax. ——
Section 8 —— The District tax shall be paid as other taxes to the Territorial Treasurer of which he shall keep a seperate account to the Credit of each district, and receive

thereon the same per centum as is allowed to him on other monies ——

Section 9 —— The District Court shall audit and settle all demands against the District without fee or tax — and for all demands established against the District, shall draw upon the district Treasury in the name of the person to whom said demand is payable, which draft or order shall be signed by the presiding officer of the Court & attested by the Clerk, which draft or order shall be sufficient voucher to the District Treasurer to pay the same, if there be any money in the Treasury (District) and in case there is no money in the Treasury he shall issue against the district in like manner and to like effect as scrip payable by the Justices.

Section 10 — Nothing in this act shall be so construed, as to prevent the District Court of any District, from at any time drawing out of the hands of the Sheriff at Treasurer, all monies due their respective Districts, or of retaining the same when collected by the Sheriff.

Section 11 — Any person who contumaciously refused to give to the proper officer a correct list of all the property, made subject to taxation by this act, in his possession on the first day of February of each year, or then in his possession, if called upon before that time, upon his oath or affirmation, shall be deemed guilty of a misdemeanor, & fined a sum not exceeding One Hundred dollars to be ascertained and collected as other fines

and forfeitures.

This Act. to take effect and be in force in 20 days after its passage—

Oregon City 23 August 1845

Approved—

(Signed) Geo. Abernethy

Attest I. E. Long

Secretary

---

(9)

An Act to adopt the Laws passed by the Legislative Committee of 1844

Be it enacted by the House of Representatives of Oregon Territory, as follows

That the Acts passed by the Legislative Committee of 1844. not incompatible with the Original or amended organic Laws. and not repealed by special Enactments of the House of Representatives of 1845— be, and the same are hereby adopted, as the Laws of Oregon

This Act to take effect and be in force from and after its passage—

Oregon City 23rd Aug 1845

Approved

(Signed) Geo Abernethy

Attest I. E. Long

Secretary

---

(30)

An Act to provide an Amendment to the Organic Law passed 2nd Aug 1845—

Be it enacted by the House of Representatives of Oregon Territory as follows

That it shall be the duty of the Judges of the next Annual election to be held in this Territory to require the qualified

voters. of their respective Districts, to vote either for or against the striking out. of the 4th Section of the article on Land Claims of the Organic Law. the words. "or more"

This Act to take effect and be in force from and after its passage.

Oregon City 23rd Aug '45

Approved

(Signed) Geo Abernethy

Attest J. E. Long
Secretary

An Act. to establish Courts. and prescribe their powers and duties. Passed 19th Augt 45

Be it enacted by the House of Representatives, of Oregon Territory: as follows—

Section 1 — The Judicial Power shall be vested in a Supreme Court, Criminal Court, District Courts. Probate Courts, and in Justice Courts The Supreme. Criminals, District and Probate Courts shall be Courts of Record.

Section 2 — All Judicial officers shall be elected by the House of Representatives. and Commissioned by the Governor. and before entering upon the duties of their offices shall within thirty days after receiving their Commissions, take the oath prescribed in the Articles of Compact. a certificate of which shall be endorsed on their Commissions.—

Section 3 — In case of vacancy in any of the Judicial offices, it shall be the duty of the Governor to appoint some suitable person. to fill such office. until the next regular Session of the House of Representa-

when the vacancy shall be filled as an original appointment, but for no longer period than for the end of the term vacated.—

Section 4. The Courts of Record shall procure and keep a seal, with such emblem & devices as the Courts shall think proper.—

Section 5— The Courts of Record shall with the advice and Consent of the House of Representatives, appoint their own Clerks, whose tenure of office, shall be the same as that of the Judge of the Court of which they are Clerk, who before entering upon the duties of their offices, shall take the oath prescribed in the Articles of Compact, and enter into bond to the Territory, with good and sufficient securities, Conditioned for the faithful performance of their duties in such premises as the respective Courts may direct sufficient to cover all responsibilities; a vacancy in the office of Clerk may be filled by the Court in which such vacancy occurs, until the next meeting of the Legislature provided the person so appointed, shall take the oath, and enter into the bond required by this Act.—

Section 6. The Courts established by this Act shall have power to punish, as for a Criminal Contempt, persons guilty of either of the following acts and for no other—

First— Disorderly, Contemptuous, or insolent behaviour Committed during its sitting in immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due to its authority

Second— Any breach of the peace, noise or

disturbance. directly tending to interrupt its proceedings.

Third — Wilful disobedience of any order or process lawfully issued or made by it.

Fourth — Resistance wilfully offered by any person to the lawful order or process of the Court.—

Fifth — The contumacious and unlawful refusal of any person to be sworn as a witness; and when so sworn the like refusal to answer any legal and proper interrogatory; and all other acts denominated Contempt of Courts in the Statute Laws of the Territory of Texas, shall be deemed tried and punished as Crimes or misdemeanors.—

Section 7— Punishments for Contempts may be by fine or imprisonment, or both, the fine not to exceed Fifty dollars and the imprisonment not to exceed ten days. Persons punished for Contempts may also be indicted, and punished according to Law if the offence be indictable.

Section 8. The impression of the seal of any Court of Record by stamp shall be sufficient sealing in all Cases where sealing is required; and where no official seal is provided the private seal of the Clerk may be used and the fact stated in the certificate of the Clerk. Justices of the Peace shall use their private seals or seals.

Section 9— The several Judges and Justices of the peace shall be conservators of the peace throughout this Territory, and shall

be exempt from military duty, during their continuance in office, except in cases of invasion or insurrection—

Section 10— It shall be the duty of the Judges of Election, at the several precincts in this Territory, to open a poll at the first annual Election, to take the sense of the People, whether in future the District Judges as provided for by this act, shall be elected by the House of Representatives or by the People.—

Oregon City 20 August 1845

Approved

(Signed) Geo. Abernethy

Attest, J. C. Long

Secretary

An Act regulating the proceedings, and defining the duties and powers, of the Supreme Court—

passed 12th August 1845—

Be it enacted by the House of Representatives of Oregon Territory; as follows

Section 1— The Supreme Court, in addition to the powers conferred by the articles of compact, shall have power to direct the form of Writs and Process, and of directing inferior Courts in all things relative to their duties.

Section 2. The Judge of the Supreme Court; at the close of each session of the House of Representatives, is hereby required to examine carefully the Laws passed at said session, and shall have power to annul by the publication of his decision, directed to the inferior Courts, all such Laws or parts of Laws, as are

in his opinion, an violation of the articles of Compact; either as—
First—— Touching the rights of the Citizens of Oregon.—
Second.— The rights of Citizens of the United States, or subjects of Great Britain secured to them by their respective Governments, or by treaties existing, or in force between the two Governments.——
Third— Or by the assumption or usurpation of powers, property &c. adverse to the Governments, to which we are allegiance, and which might be construed into acts of Treason or Rebellion.—
Section 3—— It shall be the duty of the Judge of the Supreme Court, to report to the House of Representatives, a list of all acts, or part of acts, of the Legislative Assembly, passed by him approved, with his reasons therefor, which shall be filed and preserved in the office of the Secretary of the Territory.—
Section 4— The sessions of the Supreme Court, shall be held at Oregon City, until otherwise directed by Law.
Section 5—— The Judge of the Supreme Court shall receive Two Hundred dollars annually, to be paid by quarterly warrants, as a full compensation for his services.
This Act to take effect and be in force from and after its passage—

Oregon City 18th Dec 1848

Approved—
Geo: Abernethy

Attest J. E. Long
Secretary.

(23) An Act Establishing the Criminal Courts

Be it enacted by the House of Represen-
tatives of Oregon Territory; as follows. ——

Section 1 —— A Court to be styled the Crimi-
nal Court for the trial of Indictments
found in the District Courts for Crimes
and Misdemeanors, punished Corporally, or
by fine exceeding One Hundred dollars shall
be held half yearly at Oregon City, on the 2d
Monday of June and September annually

Section 2 —— Call Sessions may be held by
the Criminal Court at any time for the
trial of Criminals in Confinement, at least
ten days previous notice of such call Court,
shall be given by the Judge to the prosecu-
ting Attorney, and to the Criminal or
Criminals to be tried at such term —

Section 3 —— The Judge of the Supreme Court
shall be ex-officio Judge of the Criminal
Court, and shall perform duties directed by Law.

Section 4 —— The Judge of the Criminal
Court shall receive two hundred dollars
annually, to be paid in quarterly payments
out of the Treasury in compensation for his services.

This Act to take effect and be-
come of force from and after its passage.

Oregon City 15th Aug 1845

Approved

(Signed) Geo. Abernethy

Attest: J. E. Long

Secretary

53

An Act establishing District Courts

Be it enacted by the House of Representatives of Oregon Territory, as follows.—

Section 1.— The District Court shall be composed of Three Judges in each District. one of whom shall be appointed in the manner prescribed by the Act to establish Courts, and prescribe their powers and duties" at each Regular Session of the House of Representatives to hold their offices, for three years, & until their successors are duly elected & qualified.

Section 2. — The House of Representatives, shall when the first Section shall be held to fill the offices of District Judges elect the persons elected, so as to make the term of the office of the first class to expire at the end of three years, of the second at the end of two years, and of the third Class at the end of one year, and the Judges so elected, shall be commissioned accordingly.—

Section 3. The District Courts, shall hold two sessions annually, to be held at the seat of Justice, in each District, so soon as suitable buildings are prepared, to be held in the several Districts at the times following — to wit: —

In the District of Twality on the last Mondays of April and July.—

In the District of Champoic, on the second Mondays of May and August.

In the District of Clark Hills, on the first Mondays of May and August.

In the District of Clatsop on the Second Mon-
days of April and July.—
In the District of Clackamas, on the Third
Mondays of May and August.
In the District of Vancouver, on the Third
Mondays of April and July.—

Section 4. Be it — The District Courts shall have
power. First, over all Criminal Cases. Cog-
nizable before the District Courts of the Ter-
ritory of Iowa, except the trial of indict-
ments for Crimes or misdemeanors, the pun-
ishment of which is Corporal or by fine
exceeding One Hundred dollars.—
Second.— Original Jurisdiction in all Civil
cases not Cognizable before Justices of the
Peace.
Third. And generally all powers exercised
by the District Courts and County Commis-
sioners of the Territory of Iowa, not
otherwise provided for in this act
provided however that the Court shall
not levy a tax, for District purposes
on objects other than those taxed for
Territorial purposes, nor to an amount
on any one year exceeding the Territorial
levy.—

Section 5.— The Judges of the District Courts
shall each receive as a full Compensation for
his Services the sum of Two dollars for
every days attendance on the Court, to be
paid out of the County Treasury.—
This Act to take effect and be in force
from and after its passage——

Approved Oregon City 23d Nov 1848

Attest (Signed) Geo Abernethy
A. E. Lang
Secretary

An Act establishing Probate Courts in the Territory of Oregon. —

Be it enacted by the House of Representatives of the Territory of Oregon, as follows. —

Section 1st — There shall be established in each organized District in this Territory a Court of Record, to be styled, the Court of Probate, to be held monthly in the several Districts at the Seat of Justice of each District, so soon as suitable buildings are provided. The Jurisdiction whereof shall be co-extensive with the limits of the County, in which the Judges shall be respectively appointed. —

Section 2 — The President of the District Courts, in the several districts, shall be ex-officio Probate Judges for their respective districts. —

Section 3 — This Act to take effect, and be in force from and after its passage.

Approved. Oregon City Feby 15th

Signed, Geo. Abernethy

Attest. J. C. Long

Secretary

An Act to establish Justice Courts, and define their Powers and Duties. —

Be it enacted by the House of Representatives of Oregon Territory, as follows. —

Section 1 — That an Act contained in the Statutes of the Territory of Iowa, entitled an Act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties and to regulate their proceedings, shall be the Law of this Territory, except in cases otherwise provided for by this Act, as follows, to wit:

Section 2— The Judges of the District Courts shall be ex-officio Justices of the Peace, within their several Districts, and shall hold Courts monthly at their several offices or Residencies. For the trial of all cases within their Jurisdiction, and the first six sections of the first article of said act are hereby declared inapplicable to Oregon.—

Section 3. Magistrates shall have Jurisdiction in civil cases over all sums not exceeding One hundred and fifty dollars.——

Section 4——All process shall run in the name of the Territory of Oregon and wherever "Court" occurs in said Act, Oregon should be understood. "District" should be read where "County" occurs, and "Sheriff" should be understood instead of "Constable."

This Act to take effect and be in force from and after its passage.—

Approved Oregon City 28th Aug
Attest J. E. Long Enrolled Geo. Abernethy
Secretary

Appropriation Act for A D. 1845.——

Be it enacted by the House of Representatives of Oregon Territory, as follows——

Section 1——That the sum of Four Hundred dollars be and the same is hereby appropriated for the payment of the Judges of the Supreme and Criminal Courts.——

Section 2——That the sum of Four Hundred dollars be and the same is hereby appropriated for the pay of the Secretary.——

Section 3. That the sum of Four Hundred

dollars. be and the same is hereby. appro-
priated. for the pay of the Treasurer.—
Section 4.— That the Sum of Nine Hundred
dollars. be and the same is hereby. appro-
priated, for the pay of the House of Re-
presentatives.—
Sect. 5— That the Sum of Five Hundred
dollars. be and the same is hereby appro-
priated. for the pay of the Governor.—
Sect 6— That the Sum of One Hundred
dollars. be and the same is hereby appro-
priated. for the pay of the Contingent expenses
of the Supreme and Criminal Courts.—
Sect. 7— That the Sum of Two Hundred
and Fifty dollars. be and the same is here-
by appropriated. to the pay of Circuit Attorney.
Sect. 8. That the Sum of One Hundred
dollars. be and the same is hereby appro-
priated for the pay of the Messenger.—
Sect. 9.— That the Sum of Two Hundred
dollars. be and the same is hereby appro-
priated. for the pay of Assessor.—
Sect. 10— That the Sum of Twenty three
dollars and Fifty cents. be and the same is
hereby. appropriated. for the pay of W. H. Wilson
Treasurer of 1823.—
Sect 11. That the Sum of Sixty Six dollars. be.
and the same is hereby. appropriated. for
the pay of Members of the Legislature Com-
mittee of 1824.—
Sect. 12. That the Sum of Seventy Two dollars
and Fifty Cents. be and the same is hereby
appropriated for the pay of the Clerk and Ser-
geant Boarder

This Act. to take effect and be in

force from and after its passage.—

Oregon City 23rd August 1845

Approved

(Signed) Geo. Abernethy —

Attest J. E. Long

Secretary

---

(38) An Act to create the office of Superintendant of Indian Affairs. Passed 20th Aug: 1845

Be it enacted by the House of Representatives of Oregon Territory, as follows

Sect. 1. — That there shall be elected by the House of Representatives, and Commissioned by the Governor, a Superintendant to regulate the intercourse with the Indians of this Territory who shall hold his office for the term of Two Years, and until his Successor is duly elected and qualified. —

Sect 2 — It shall be the duty of the Superintendant of Indian affairs, to maintain & promote as far as is in his power peace & good order among the neighbouring Indian Tribes, and between the Whites and Indians, & to Sevise upon all Spirituous liquors intended to be sold bartered or given to the Indians, & all liquors so seized shall be destroyed by the Superintendant. — — —

Section 3 — He shall determine all disputes concerning property between whites & Indians, according to Law, and (if in his power) recover stolen property from the Indians, when applied to for that purpose, to inflict or procure (if possible) punishment of Indians when guilty of Crimes towards the white population, and to notify the civil authority, in all ca-

where white men are guilty of any unlawful acts or proceedings, calculated to embroil us with the natives, or to endanger the safety of the frontier families —

Section 4. —— It shall be his duty, to report to every annual meeting of the House of Representatives, the proceedings, of the department, and the state of our relations with the neighbouring tribes, and make such suggestions, regarding this Department, as he may think necessary. The Superintendant shall receive for his services, the sum of Two Hundred dollars per annum payable quarterly out of any monies in the Treasury not otherwise appropriated. ——

Sect 5 —— It shall be the duty of the Superintendant, to distribute in the earliest opportunity to the Frontier Posts of the Hudson's Bay Company in the direction of the United States, Canada, California, such instructions and directions to Emigrants, to this Country in regard to their Conduct towards the natives, by the observance of which, they will be most likely, to maintain and promote peace and friendship between them and the Indian Tribes through which they are to pass, and in all cases not provided for by this Act he shall be governed in his duty by the instructions and Laws of the United States in regard to Indian affairs.

This Act to take effect and be in force from and after its passage —

Oregon City 23rd August 1845

Approved.

Attest J. E. Long (Signed) Geo. Abernathy.
Secretary

(39)

An Act to provide for a Special term of District Courts. passed 20th August 1845

Be it enacted by the House of Representatives of Oregon Territory as follows ——

Section 1—— That there shall be held a Special Term of the District Court in the several Districts as follows. viz —

In the District of Clackamas on the first Tuesday in October 1845. ——

In the District of Champoeg on the second Tuesday in October 1845.

In the District of Twalaty on the Fourth Tuesday in October 1845. ——

This Act to take effect and be in force from and after its passage. ——

Oregon City 2nd August 1845

Approved

(Signed) Geo Abernethy

Attest J. C. Long

Secretary

Of the Forms of Writs of Process

Section 1— The following or other equivalent forms shall be used by the Justice of the Peace in proceedings to be had under this Act to wit.

A Summons.

Territory of Oregon County

To any Constable in said County.

In the Name of Oregon Territory you are hereby Commanded to Summon if shall be found within your County to be and appear before the undersigned, one of the Justices of the Peace in and for said County, on day of 18 at of the Clock in the noon, at in the said County to answer the Complaint of

Given under my hand this day of 18

A. B. Justice

A Warrant

Territory of Oregon County.

To any Constable in said County.

In the Name of Oregon Territory, you are hereby Commanded to take the body of if he be found within your County, and bring forthwith before the undersigned or some other Justice of the Peace in and for said County, at in said County to answer the Complaint of and you are also Commanded to give due notice thereof to the said Plaintiff.

Given under my hand this day of 18

C. D. Justice

A Subpœna

Territory of Oregon. ——— County.

To

In the name of Oregon Territory, you are hereby required, to appear before the undersigned, One of the Justices of the Peace in and for said County at ——— on the — day of ——— at — of the clock in the ——— noon of said day. to give evidence in a certain cause. then and there to be tried between ——— plaintiff and ——— defendant on the part of the ———

Given under my hand this — day of — 18—

E. F. Justice.

---

(42)

A Venire For a Jury.

Territory of Oregon ——— County.

To any Constable of said County.

In the name of Oregon Territory, you are hereby Commanded to Summon ——— good and lawful men to be and appear before the undersigned, one of the Justices of the Peace in and for said County on the ——— day of ——— instant or next, at ——— of the Clock in the — noon of said day in the town of ——— to make a Jury for the trial of an action of ——— between ——— plaintiff and — defendand.

Given under my hand this — day of — 18—

G. H. Justice.

(45)

An Execution

Territory of Oregon ——— County.

To any Constable of said County.

Whereas. Judgment against ——— for the sum of ——— and ——— costs. lawful money of the Territory of Oregon. was received the ——— day of ——— before the undersigned, one of the Justices of the peace in and for said County. at the suit of ———. These are therefore, in the name of Oregon Territory, to Command you. to levy distress, on the goods and Chattels of the said ———, excepting such as the law exempts) and to make sale thereof according to Law. in such cases made and provided, to the amount of said sums. together with thirty seven and a half Cents for this execution, and the same returns to me within thirty days. ———

Given under my hand. this — day of — 18—

J. P. Justice

---

(47)

When security has been given for stay of execution. on the judgment against the principal and security ———

Territory of Oregon ——— County

To any Constable in said County.

Whereas judgment against —— for the sum of —— and —— Costs. lawful money of Oregon Territory. was received the ——— day of. —— 18 —— before the undersigned a justice of the peace. in and for said County at the suit of —— and whereas —— on the — day of —— in the year aforesaid. became security. to pay the said

judgment. with interest on the same in ——
months from the date of the Judgment aforesaid
agreeably to Law. in the payment of which
the said —— have failed. ——
These are therefore in the name &c (as in
Common form) —

---

(215)

A Writ of Attachment

Teritory of Oregon —— County ——
To any Constable of said County
In the name of Oregon Teritory, you are
Commanded to attach C.D. by all and sin=
gular his Goods. Chattels, moneys. effects and
Credits, or so much thereof, as shall be suf=
ficient to satisfy the Sum of. (the
Sum Sworn to) with interest, and Costs of
Suit. in whosoever hands or possession. the
same may be found in Your County and
so Provide, that the Goods and Chattels so
attached, may be subject to further Proceedings
thereon, as the Law requires, and also to
Summon the said C.D. if to be found
to be, and appear before me at my office, in
the Town of —— on the —— day of ——
18—— to answer unto —— Plaintiff and
also that you Summon, as Garnishees
all such persons as found in Your Coun=
ty as may be directed by the Plaintiff
or his Agent to appear before the said
Justice, at the time, and place aforesaid
to answer such interrogatories, as the
Justice may propound. and have you
then and there this writ ——
Given under my hand this —— day of —— 18——
C.P. Justice